

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
FORT LAUDERDALE DIVISION**

GBB DRINK LAB, INC.,

Plaintiff/Counterclaim Defendant,

v.

FSD PHARMA INC. and FSD  
BIOSCIENCES INC.,

Defendants/Counterclaimant.

---

FSD PHARMA INC.,

Third-Party Plaintiff,

v.

JOSEPH ROMANO,

Third-Party Defendant.

CASE NO. 23-CV-60800

**DEFENDANTS FSD PHARMA INC.'S AND FSD BIOSCIENCES, INC.'S  
STATEMENT OF MATERIAL FACTS IN OPPOSITION TO  
PLAINTIFF GBB DRINK LAB, INC.'S MOTION FOR SUMMARY JUDGMENT**

Defendants FSD Pharma Inc. (“FSD Pharma”) and FSD BioSciences, Inc. (“FSD BioSciences”) (collectively, “FSD”) file this Statement of Material Facts in opposition to Plaintiff GBB Drink Lab, Inc.’s (“GBB”) Motion for Summary Judgment [ECF 116] and GBB’s corresponding Statement of Material Facts [ECF 117]. Pursuant to Local Rule 56.1(b)(2), FSD Pharma responds to [ECF 117] as follows:

1.

<sup>1</sup> Multiple of GBB's paragraphs assert several alleged facts, in violation of Local Rule 56(b)(1)(B).

[REDACTED]

2. [REDACTED]

[REDACTED]

3. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

4. [REDACTED]

[REDACTED]

5. [REDACTED]

[REDACTED]

6. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

For more information, contact the Office of the Vice President for Research and the Office of the Vice President for Student Affairs.

Digitized by srujanika@gmail.com

For more information, contact the Office of the Vice President for Research and Economic Development at 319-273-2500 or [research@uiowa.edu](mailto:research@uiowa.edu).

Digitized by srujanika@gmail.com

7.

© 2019 Pearson Education, Inc.

For more information, contact the Office of the Vice President for Research and Economic Development at 505-274-3000 or [research@unm.edu](mailto:research@unm.edu).

© 2013 Pearson Education, Inc.

For more information, contact the Office of the Vice President for Research and Economic Development at 515-294-6450 or [research@iastate.edu](mailto:research@iastate.edu).

For more information, contact the Office of the Vice President for Research and Economic Development at 319-273-2500 or [research@uiowa.edu](mailto:research@uiowa.edu).

8.

Black box for the *liver* model.

9.

For more information, contact the Office of the Vice President for Research and Economic Development at 319-273-2500 or [research@uiowa.edu](mailto:research@uiowa.edu).

For more information, contact the Office of the Vice President for Research and the Office of the Vice President for Student Affairs.

For more information, contact the Office of the Vice President for Research and the Office of the Vice President for Student Affairs.

For more information, contact the Office of the Vice President for Research and the Office of the Vice President for Student Affairs.

For more information, contact the Office of the Vice President for Research and the Office of the Vice President for Student Affairs.

For more information, contact the Office of the Vice President for Research and the Office of the Vice President for Student Affairs.

For more information, contact the Office of the Vice President for Research and the Office of the Vice President for Student Affairs.

For more information, contact the Office of the Vice President for Research and the Office of the Vice President for Student Affairs.

For more information, contact the Office of the Vice President for Research and the Office of the Vice President for Student Affairs.

For more information, contact the Office of the Vice President for Research and the Office of the Vice President for Student Affairs.

For more information, contact the Office of the Vice President for Research and the Office of the Vice President for Student Affairs.

For more information, contact the Office of the Vice President for Research and the Office of the Vice President for Student Affairs.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

10. [REDACTED]

[REDACTED]

11. [REDACTED]

12. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

13. Undisputed.

14. [REDACTED]

[REDACTED]

[REDACTED]

15. Undisputed.

16. [REDACTED]

---

2 [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

17. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED].

18. [REDACTED]

19. [REDACTED]

[REDACTED].

20. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

21. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

22. Undisputed.

23. [REDACTED]

24. [REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

25. [REDACTED]

[REDACTED]

[REDACTED]

26. [REDACTED]

27. Disputed as to the several factual averments. First, the “ingredient list” is not “Confidential Information” because GBB’s formulator, David Sandler, testified that [REDACTED]

[REDACTED]. Ex. 6, Sandler Dep.

339:4-10. Second, [REDACTED]

[REDACTED]. Ex. 11, Kotra Dep. 148:1-149:4, 159:6-163:2, 177:9-178:4. Third, FSD did produce [REDACTED]. See Exs.

15 and 16. Fourth, there is no evidence that [REDACTED]

[REDACTED]. Finally, GBB

only sought information relating to Power Brands (which FSD agreed to, and did, produce) ([ECF 118], Ex. 4, Requests 53-54), or broadly “[a]ll documents and communications to third parties informing them of the existence of this action” ([ECF 118], Ex. 4, Request 62), which requests documents and communications *after* May 1, 2023 [ECF 1].

28. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

29. Undisputed.

30. Undisputed.

31. Undisputed.

32. [REDACTED]

33. [REDACTED].

34. [REDACTED].

35. [REDACTED]

36. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED].

37. [REDACTED]

38. [REDACTED]

39. [REDACTED]

40. [REDACTED]

41. [REDACTED]

42.

43.

**DEFENDANTS' STATEMENT OF ADDITIONAL FACTS  
IN OPPOSITION TO PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT**

44. FSD received various emails from GBB in the course of due diligence sharing

[REDACTED]. *See* Exs. 4 (Aug. 22, 2022); 26 (Aug. 26, 2022 Email); 27 (Sept. 1, 2022 Email).

45. [REDACTED]

[REDACTED]" *See* Exs. 4, 26, 27.

46. [REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

47. FSD received the expert report of Mark Gauthier and took his deposition in this matter regarding GBB's damages claims. Exs. 28 and 29.

48. FSD submitted the rebuttal report of Mr. David Smith to GBB in response to GBB's purported expert Mark Gauthier. Ex. 30.

Dated: August 11, 2025

Respectfully submitted,

**BLANK ROME LLP**

By: /s/Michael R. Esposito

Michael Esposito  
Florida Bar No. 37457  
Blank Rome LLP  
100 S. Ashley Drive, Suite 600  
Tampa, FL 33602  
Phone: (813) 255-2300  
Facsimile: (813) 830-7444  
Email: Michael.Esposito@BlankRome.com

Jason A. Snyderman (*pro hac vice*)

John P. Wixted (*pro hac vice*)

Timothy J. Miller (*pro hac vice*)

Blank Rome LLP

130 North 18th Street

Philadelphia, PA 19103

Email: Jason.Snyderman@BlankRome.com

Email: John.Wixted@BlankRome.com

Email: Timothy.Miller@BlankRome.com

*Counsel for Defendants FSD Pharma, Inc.  
and FSD BioSciences, Inc.*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was electronically filed on August 11, 2025, with the Clerk of the Court by using the CM/ECF System. I also certify that the foregoing document is being served this day on all counsel of record via transmission of the Notice of Electronic Filing generated by CM/ECF.

/s/ Michael R. Esposito  
Michael R. Esposito